

ESTTA Tracking number: **ESTTA83399**

Filing date: **06/01/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Bernardaud Porcelaines de Limoges, S.A.
Granted to Date of previous extension	06/07/2006
Address	27 rue Albert Thomas Limoges, 87000 FRANCE
Attorney information	Bruce S. Londa Norris, McLaughlin & Marcus, P.A. 875 Third Avenue New York, NY 10022 UNITED STATES bslonda@nmmlaw.com Phone:212-808-0700

Applicant Information

Application No	78641279	Publication date	02/07/2006
Opposition Filing Date	06/01/2006	Opposition Period Ends	06/07/2006
Applicant	Ashley Nettye, Inc. 463 Seventh Avenue New York, NY 10018 UNITED STATES		

Goods/Services Affected by Opposition

Class 014. All goods and sevicees in the class are opposed, namely: Watches; and jewelry

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Signature	/bsl/
Name	Bruce S. Londa
Date	06/01/2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of application no. 78641279 for BERNARDO

Published on February 7, 2006

BERNARDAUD PORCELAINES
DE LIMOGES, S.A.,

Opponent,

-v-

ASHLEY NETTYE, INC.,

Applicant.

Opposition no.

Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513
BOX TTAB / FEE

NOTICE OF OPPOSITION

Bernardaud Porcelaines de Limoges, S.A., a French corporation having a place of business at 27, rue Albert Thomas, Limoges, France 87000 ("Opponent"), believes that it will be damaged by the registration of the mark BERNARDO in class 14, which is the subject of the above-referenced application. The present opposition is only with respect to class 14 of the application. In support of this petition, Opponent hereby alleges as follows:

1. Opponent is the owner of U.S. Reg. No. 2338274, granted April 4, 2000, for the mark BERNARDAUD, covering hand painted porcelain jewelry; namely, rings, earrings, bracelets and necklaces, in class 14.
2. Applicant's application is for the mark BERNARDO, covering, in class 14, watches and

jewelry.

3. The application was filed June 1, 2005, on intent to use basis. Opponent's date of first use of its mark was in 1905, and at least as early as October 1998 with respect to goods in class 14, which predates applicant's constructive date of first use, namely its filing date of June 1, 2005. Opponent has used its mark continuously since its first use date, and has built up goodwill in its mark based on said use, such that consumers have come to associate the mark BERNARDAUD with a unique source with respect to jewelry. In addition, Opponent's registration is over 5 years old, and is therefore incontestable. Therefore, Opponent's rights are superior based on its earlier date of first use and/or its earlier incontestable registration.

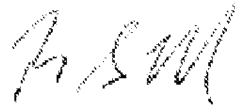
4. As grounds for opposition, Opponent states that Applicant's mark BERNARDO is confusingly similar to Opponent's mark BERNARDAUD, both visually, aurally and with respect to commercial impression. The pronunciation is identical, as Opponent's mark is pronounced according to its French origin as "Ber-nar-do".

5. In addition, Opponent's goods in class 14 are identical or highly related to applicant's goods in class 14, in that both cover jewelry; watches are highly related to jewelry. Accordingly, when Applicant's mark BERNARDO is used in connection with the class 14 goods covered in its application, such use is likely to cause confusion, or to cause mistake, or to deceive purchasers and potential purchasers as to the source, authorization or sponsorship of Opponent's or applicant's goods.

6. Applicant's registration of its mark will damage Opponent by recognizing rights in the Applicant's mark, and conferring legitimacy on Applicants' use of its mark, in violation of Opponent's superior rights, and in detriment to Opponent.

WHEREFORE, for the foregoing reasons, Opponent believes that it will be damaged by registration of Applicant's application, and requests that such application be rejected.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "B. S. Londa", written in a cursive style.

Bruce S. Londa
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